

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

CLARK SIMON,
Institutional ID No. 596819,

Plaintiff,

V.

CO. MS. DIMENZ,¹ *et al.*,

Defendants.

CIVIL ACTION NO.
1:09-CV-207-C

ORDER

The United States Magistrate Judge entered a Report and Recommendation on July 28, 2010. No objections have been filed. The Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

It is, therefore, ORDERED:

(1) Plaintiff's claims against any of the Defendants in his or her official capacity are DISMISSED WITH PREJUDICE.

(2) Within thirty (30) days from the date the Law Enforcement Defense Division of the Texas Attorney General's Office receives this Order, Defendants Jimenez, Del Rio, and Webb shall file a written answer or response to Plaintiff's claims that they were deliberately indifferent to his health and safety when they failed to protect him from assault by another offender on July 30, 2009.

¹The Court notes that Plaintiff's original complaint lists Defendant's last name as "Dimenz" and "Jimenz"; however, a review of the relevant authenticated records provided by the Texas Department of Criminal Justice - Institutional Division reveals that the proper spelling is "Jimenez."

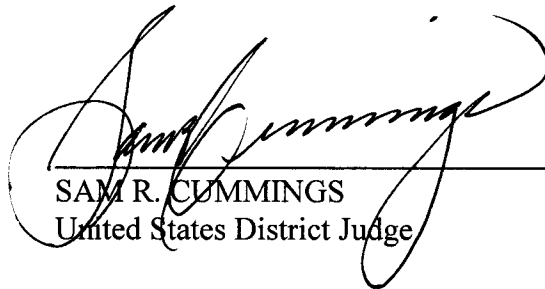
(3) The Clerk shall mail a copy of Plaintiff's Civil Rights Complaint filed November 2, 2009, and the Report and Recommendation of the United States Magistrate Judge entered July 28, 2010, along with a copy of this Order, to Docketing, Law Enforcement Defense Division, Office of the Attorney General, P.O. Box 12548, Capitol Station, Austin, Texas 78711 by certified mail, return receipt requested.

(4) In the event that any Defendant is no longer employed by the TDCJ-ID and the Office of the Attorney General is unable to obtain authority to represent such Defendant, the Office of the Attorney General shall provide the Defendant's last-known address to the Court, **UNDER SEAL**, for the Court's in-camera examination only, subject to further orders of this Court. Furthermore, such address shall not be disclosed in any manner to Plaintiff, and if any documents containing the address, including returns of services of summons, are sent to Plaintiff, such information shall be redacted.

(5) The caption of this case shall be changed to reflect that the correct spelling of Defendant "Dimenz" is "Jimenez."

(6) Any pending motions are denied.

Dated May 9, 2011.



SAM R. CUMMINGS
United States District Judge